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SOUTH AFRICA

SECURITY COUNCIL
Forty-ninth year

Letter dated 3 March 1994 from the Acting Chairman of the Special Committee against Apartheid addressed to the Secretary-General

An International Briefing on South Africa'S First Democratic and Non-racial Elections (to be held from 26 to 28 April 1994) was organized by the Liaison Group of the Anti-apartheid Movements in the European Union, co-sponsored by the Special Committee against Apartheid, and held under the patronage of the Greek Presidency of the European Union and Mr. Van den Brock, Member of the Commission for Foreign Affairs of the European Union. The Briefing was held in the European Parliament at Brussels from 28 February to 1 March 1994.

Representatives of Governments, intergovernmental and non-governmental organizations, particularly anti-apartheid groups from Asia, Africa, Europe and America, attended the Briefing. The Chairman of the Independent Electoral Commission of South Africa, Justice Johann Kriegler, delivered the keynote address. Representatives of the Transitional Executive Council and other South African organizations and institutions made statements during the Briefing. The President of the British Anti-apartheid Movement, Archbishop Trevor Huddleston, and myself were elected co-chairmen of the Briefing. The participants commended the role of the United Nations for its efforts to ensure the success of the first democratic and non-racial elections in the history of South Africa and reaffirmed the support of the international community for conducting these elections in an atmosphere free from violence and intimidation.

I have the honour, on behalf of the Special Committee, to submit my opening statement, the keynote address by Justice Kriegler and the concluding remarks by Archbishop Huddleston (annexes I, II and III, respectively) and kindly request

that the present letter and its annexes be issued as a document of the forty-eighth session of the General Assembly, under agenda item 38, and of the Security Council.

(Signed) Annette des ÎLES
Acting Chairman
Special Committee against Apartheid

ANNEX I

Statement made by the Acting Chairman of the Special Committee against Apartheid at the International Briefing on South Africa's First Democratic and Non-racial Elections

On behalf of the United Nations Special Committee against Apartheid, and on my own behalf, I would like to convey our great appreciation and thanks for the efforts to convene this International Briefing in support of the first democratic and non-racial elections in the history of South Africa. We are grateful in particular to the Greek Presidency of the European Union represented by His Excellency Theodoros Pangalos, President in Office, Council of Ministers of the European Union, and Mr. Van den Brock, the Commissioner for External Affairs of the European Union, for agreeing to hold this International Briefing under their patronage. I must also express our thanks to the tireless efforts of the Liaison Group of the Anti-apartheid Movements in the European Union and in particular to its General Secretary, Ms. Electra Georgoula, and to Mr. Mike Terry, the Executive Secretary of the British Anti-apartheid Movement. Without the dedication, commitment and hard work of these organizations, this Briefing could not have been convened.

We are meeting at a crucial moment in the history of the struggle to eliminate apartheid in South Africa. The future of South Africa, and perhaps the whole southern African region, now depends on the successful conduct of the first democratic and non-racial elections in South Africa, which will take place from 26 to 28 April 1994. We express our support for all South African political parties involved in the election process for their leadership and for their tireless efforts to achieve compromises that would encourage all political parties to participate. In our view, the parties participating in the Negotiating Council have in fact made extraordinary efforts to meet demands made by parties that have chosen to stay outside. It must be quite clear that those who may consider attempting to reverse, through violence and intimidation, the historical change towards freedom and democracy through the electoral process, must know that they cannot hope to have the understanding and support of the international community whoever they may be. The international community has for several decades steadfastly supported those who sacrificed so much to reach the point where all South Africans, regardless of race, will have the right to vote, run for election and thus participate in the governance of the country. It is therefore quite natural that the international community will expect all those who enjoyed its support to participate and do their utmost to contribute to an atmosphere free from violence and intimidation.

The forthcoming elections in South Africa must be free and open to all South Africans irrespective of colour, race, gender or social and economic background. All South Africans must feel free to vote without being exposed to danger. The role of the international community is to assist the South African people to cast their vote freely by a considerable presence of electoral observers. This role is one of absolute impartiality. It is not there to tell South Africans for whom they should vote. The people of South Africa made

tremendous sacrifices throughout this century to bring about a united, democratic and non-racial South Africa.

The Multi-party Negotiating Process, preceded by the Convention for a Democratic South Africa (CODESA), has toiled over the last two years to produce agreements on the Interim Constitution and on the mechanisms to ensure that the elections in South Africa are conducted in a free environment. The Transitional Executive Council (TEC) and the Independent Electoral Commission (IEC) have been functioning actively since December 1993. I welcome the presence among us today of Justice Kriegler, the Chairman of IEC, and of the representative from TEC. We are proud of the statesmanship that has been demonstrated by the leadership of TEC and IEC. I wish to assure them of the total support of the Special Committee against Apartheid and wish them success in their efforts. I am also very pleased to see a representative from the United Nations Observer Mission in South Africa (UNOMSA) here, Ms. Raymonde Martineau.

We commend you all - TEC, IEC and UNOMSA - for the work you have done in such a short time and against so many odds, particularly the violence, which has taken such a heavy toll. We again urge all political parties and individual South Africans to disassociate themselves from violence and to use their influence so that the democratic process is not jeopardized in such a way as to provide arguments for those who are determined not to accept its results. As we have stated repeatedly, the Special Committee wishes above all to see the democratization process achieve its successful conclusion, which would mark, at long last, the end of the system of apartheid.

The United Nations system is looking forward, and I believe all members of the international community support this, to contributing as soon as the elections are completed and the new legislature and executive structures become operational, to the tasks of building a new South Africa, where all its citizens participate in the social and economic development of the country. Therefore, anti-apartheid groups, particularly in Europe and North America, who have given such decisive support to the struggle against apartheid during the last four decades should remain engaged in the new South Africa by supporting community-based and other non-governmental organizations there as they work on educational, cultural, technical, economic and social development at the grass-roots level.

We in the Special Committee have always commended the anti-apartheid movements all over the world and particularly in Europe and North America for their cooperation and support. They have made a tremendous contribution to our work through their campaigns in the 1970s and 1980s to bring pressure on the South African authorities to abandon their policies of apartheid. Since the beginning of the negotiating process, the United Nations has by consensus put its weight behind the endeavours by the participants in the multi-party negotiations and, not least, their efforts to ensure that the first democratic and non-racial elections are held on time and without violence or intimidation. The Chairman of the Special Committee went on a mission to South Africa last year to let the views of the Committee be known to all political parties. The Chairman is currently in South Africa again, to maximize the support for the forthcoming elections and to assure the political parties of the importance

attached by the members of the United Nations to the elections being held in an environment that will allow the vast majority of voters to participate.

We are pleased to say that the Special Committee played an active role in strengthening international support for the role of UNOMSA and its expansion. In this regard, I must express, for the record, our great appreciation for the dedication and commitment of the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, to the mission of UNOMSA and its success.

In conclusion, I believe that this international briefing is a reconfirmation of the commitment of the international community to the democratization process in South Africa and to the final elimination of the system of apartheid from South Africa.

ANNEX II

Address given on 28 February 1994 by the Chairman of the Independent Electoral Commission of South Africa at the International Briefing on South Africa's First Democratic and Non-racial Elections

This is truly a momentous occasion. It is a milestone in the renaissance of my country. Our return to the family of nations is being recognized. I am profoundly grateful for the honour afforded today. It is no tribute to me. It is not even a tribute to the Independent Electoral Commission that I head. It is indeed a tribute to my weird and wonderful country.

For so long we have been the focal point for the endeavours of those who hold dear the cause of human liberty. Many of those men and women are here today, either personally or by proxy. It is fitting and proper that IEC should brief that community.

I intend doing so under four heads. Firstly, I will give a historical overview of the origins of my Commission. Secondly, I will attempt to delineate IEC and describe its characteristics. In the third instance I will furnish an up-to-date status report and then, fourthly, I will attempt a prognosis.

Firstly, then, the historical overview. Let me commence by saying that I believe in miracles, not because of some blind faith, but because of the established facts. Barely four years ago my country was characterized by, on the one hand, an immovable object, namely the apartheid State. On the other there was the irresistible force of the liberation movements. Could any one have predicted today's proceedings: a South African judge from the apparatus of the South African regime engaged in cordial discourse with the heart and soul of the European anti-apartheid movement?

But then, if you do not believe in miracles, you have no business trying to analyse my country. Of course that miracle is the product of the efforts, dedication, courage and, above all, the vision of many of my compatriots. In particular there was the leadership of two great men, who accepted reality. Realizing that neither side was capable of defeating the other, and that the alternative to peace was a continuation of conflict, repression and economic decline that would lead all to disaster, they took a new course. If this was merely pragmatism, then we are not ashamed. It was an effective point of departure for our transformation and reconstruction. We must now learn about democracy, and let me be perfectly frank: there is no reliable, unimpeachable tradition of democracy in South Africa that would stand the scrutiny of Europe. We are starting from scratch.

1990 was spent in overcoming the bellicosity ingrained in us by the preceding years of ever intensifying conflict. 1991 was spent in trying to frame the terms and patterns of our negotiations - and finding a basis for trust. In 1992 we recovered from the collapse of our first tentative efforts to hammer out a constitutional settlement. And then, in 1993, we proceeded to get on top of that job. What we have now is an Interim Constitution. Negotiated

against a backdrop of crises and power plays, it has its floors. But it is nevertheless an instrument sufficiently competent to see us through the next two to three years. During that time we shall continue the process of negotiation in the new institutions of government to which the April elections will give life.

The Interim Constitution contains 32 principles to which the Constitutional Assembly must adhere when it sits to produce a final constitution. Those principles contain the vital guarantees for democracy. Henceforth our task must be to engender a spirit of acceptance of those principles in the hearts of our fellow countrymen. For without that democracy will fall an early victim to the temptations of power.

Concomitantly with the Interim Constitution the negotiating parties agreed upon two statutory instruments. The first was the Electoral Act, which, in principle, adopted a policy of universal adult suffrage for all South Africans, wherever they may be resident. This was a giant step for my country. Then, having adopted that philosophy, the negotiating parties had to fix the ground rules for our first fully democratic elections. The major role players in our negotiating process were ad idem that this had to be an election conducted by the people of South Africa for their people. That decision was indubitably correct politically.

Viewed in its historical context an internationally conducted election would have been folly. The degree of consensus established and the extent of our determination to work out a common destiny necessitated that we, South Africans, make this great experiment in cooperation. Administratively, however, it was a gamble. Was it really possible for a society rive by dissension, animosity, oppression and resentment over generations to achieve this objective? I believe the answer is emphatically in the affirmative. I shall revert to the basis for my belief in due course.

At this stage I should depict the body devised by the negotiating parties to conduct the first democratic elections in South Africa. The institution I head is a statutory authority whose role and powers were set out by the multi-party negotiators towards the end of last year. Thereafter they were approved by Parliament and were enacted in the Independent Electoral Commission Act No. 150 of 1993. IEC is a transitional institution whose life will come to an end once we have completed three main tasks. These are:

(a) To administer the election;

(b) To monitory the conduct, both of the political campaign and of the voting process;

(c) To determine, ultimately, whether the election has been substantially free and fair.

The Commission came into existence on 20 December 1993. At that stage it appointed its first staff member. We had to move at great speed as the date for the election had been fixed some months before at 27 April 1994. By mid-January a handful of senior staff members had been employed, but the initial conceptual

thinking and strategic planning had to be conducted by the 11 Commissioners acting on their own. Within the next fortnight we were joined by five international colleagues. As I speak to you today we have approximately 350 people busily at work at our head office. There are twice as many again in nine regional head offices due to start their duties this week. We envisage that by 20 April 1994 IEC will have in its employ some 200,000 South Africans.

The role and functions of IEC are, in a very direct sense, expressed in the establishment by its creating statute of its three main operating directorates. The first, election administration, is to attend to the actual conduct of the voting - setting up polling stations, staffing them, processing the voters, counting the ballots and the like. By election time we shall have in election administration alone a veritable army of some 180,000 men and women in the field. The logistics involved are infinitely complex. In truth the task is greater than that of mobilizing several battle-strength divisions.

We have to cater for some 22 million voters, spread all over the world, many of whom are first-time voters. We are planning some 9,000 voting stations, many of which will have to be placed in areas remote from established telecommunication and transport infrastructures. Our ideal is not to cause any substantial body of voters to have to travel more than 10 kilometres to exercise the right to vote. In a third world country such as ours, the telecommunication problems are truly daunting. In order to meet this difficulty, elaborate plans in conjunction with out postal authorities, our railway authorities and some of the military institutions will be necessary. We also plan an extensive network of mobile voting stations in order to deal not only with remote and isolated areas but also to meet the demands at voting stations where unexpected numbers of prospective voters present themselves.

The second directorate is concerned with monitoring the campaign and the administration of the voting procedure. This directorate is at this stage busily engaged in identifying and training a task force of monitors, which, eventually, will number some 12,000 people. There will be one monitor at least for each polling station and in addition specialist teams in communications, the evaluation of intelligence from the field, air surveillance, crisis teams and so on will be employed. A special team of highly trained monitors will be placed in the field, commencing this week, to observe the behaviour of the political parties, their members and supporters as the campaign mounts towards its crescendo. IEC field monitors are being trained to mediate in disputes between the parties and to intervene where they observe infringements of our fairly rigorous electoral code of conduct. This set of rules has been built into our electoral act and governs the behaviour of parties, their office bearers and leaders.

In addition the monitoring directorate has established an investigative unit able to institute prosecutions against suspected offenders in a special hierarchy of judicial tribunals established in order to deal with political breaches of the rules of play.

In addition the monitoring directorate will cooperate with the thousands of observers from South African and foreign governmental and non-governmental organizations. We are appreciative of the attention given to our elections by

the international community and recognize that we owe the family of nations full access to all aspects of our electoral process. At our first substantive meeting we decided upon a policy of complete transparency. It is for the family of nations, acting completely without any hinderance from our side, to determine for itself whether the elections we are to conduct carry their stamp of approval.

Then we have established a third directorate, adjudication, which has set up a three-tiered series of special electoral tribunals to hold speedy trials of offenders. The penalties for breaches of the code of conduct are substantial. Thus we are empowered to cancel the registration of a competing party or to delete the name of any persistently offending candidate from the list of his or her party. In addition we can impose severe financial penalties.

We are, in addition, enjoined by our enabling statute to conduct voter education for the many millions of our electorate who have never voted before. This is clearly a herculean task, which we could not hope to accomplish in the time at our disposal. Fortunately there are large numbers of well-financed non-governmental agencies that have been active in the field for some years. In saying that they are well funded I do not for a moment wish to suggest that major contributions from the international community are still not called for.

We have some 18 million first-time voters, of whom some 57 per cent are functionally illiterate. Many of them live in remote tribal areas where the concept of an election is wholly unknown. It is, of course, primarily the obligation of the competing parties to ensure that they reach their constituencies. Nevertheless, we regard it as our task to ensure, as far as time and resources allow, that the maximum number of the electorate will be reasonably informed as to what a democratic election entails. By means of periodic public opinion polls we are seeking to establish the areas of concern and ignorance among the populace. By means of the electronic media, voter education teams for special interest groups and the like propagate the concept and the mechanics of the voting process.

A particular area of concern is that we are operating in a climate of widespread intolerance, fear and politically inspired violence. It has therefore been adopted as our primary strategy to establish, first, the credibility of IEC as an impartial administrator. The second strategy is to inculcate in the minds of the voters that they are free to hear all sides and to judge for themselves. Close to the election we will be concentrating on the actual mechanics of the voting process. Throughout, however, our pervading message will be that each and every voter can safely accept that his or her vote will be completely secret. In this manner we hope to counteract the pernicious effect of intimidation.

We in IEC are idealists but not dreamers. We recognize the very real divisions in our society. Some are of dimensions beyond our powers. However, we have consulted the leadership of each of the major role players in our society with a view to ensuring the maximum degree of free electioneering. In particular we have obtained the unqualified support of all role players for a programme of electioneering to be conducted under the aegis of IEC.

Accepting the realities of South African society we realize there are substantial constituencies that are inaccessible to a number of the parties. We believe, however, that the essence of an election is that informed voters can freely express their choice at the ballot box. To this end we are at this very moment engaged in planning an extensive programme of country-wide debates to be conducted under the control of IEC in which all of the parties will be able to participate in order to confront the largest possible percentage of society with all of the political programmes being presented by the competitors.

I turn, in conclusion, to a prognosis. The ultimate duty of IEC is to certify, if it can do so in good conscience, that the election was substantially free and fair. That is truly an awesome responsibility. Should we come, heaven forbid, to the conclusion that we cannot so certify, our country will be plunged into disaster. Self-evidently that is a result we will strain to avoid with all the efforts we can muster. The obstacles are manifold and self-evident. Yet no one among my colleagues speaks of failure - that is the one thing we are not prepared to contemplate. Like Gramsci, we have a pessimism of the intellect but an unquenchable optimism of the will.

The mountain is high and steep. And if its pinnacle represents a cleanly fought, incident free, non-violent campaign and a very high-percentage poll by informed voters we must admit, at this stage, that the chances are remote. As things stand in my country at the moment there is no prospect of such ultimate victory. The political and administrative obstacles to such perfection are simply too great. But that is not our objective. We are simply not operating in a sophisticated Western European environment. We live and work in a gravely blemished society. Quite apart from the scars of the apartheid era, there are the scourges of ignorance, poverty, suspicion, fear and deep-rooted animosities. The elections are not intended as a panacea. That would be dishonest.

The promised land lies far in the future. The road will be long, perilous and painful. If the elections are a substantial success, which I have no doubt they will be, we will have proved to ourselves that we, as a nation united, notwithstanding our political differences, can work together. Considering the light years we have moved since February 1990 there is every reason for optimism of the will.

To be sure there are disturbing eddies. Significant sectors of our society have publicly adopted a stance of non-participation. My own view is that the majority of the supporters of the parties who have taken that attitude wish to participate in the election. If the law enforcement agencies are able to contain major eruptions of violence, which I believe they will be able to do, the tide of the elections will be irresistible.

The overwhelming majority of South Africans want the elections. That is evident from reliable public opinion polls conducted over the last few months. I can therefore confidently predict that the vast majority of South Africans will wish to participate in the elections at the end of April. We of the IEC are determined to enable them to do so. A great deal remains to be done. Much of what is to be done has no precedent. The obstacles are well known.

The international community, whose help has been so constructive in these recent critical years, has been providing invaluable assistance to us in the management of this election. This has been done by the provision of skills, expertise and financial assistance. In addition we have the support of thousands of observers who will be able to vouch for the integrity of the elections. I wish to take this opportunity publicly to express the gratitude of my Commission and of my country as a whole for the moral, technical and financial support that the members of the European Union have given so unstintingly. Should we fail to attain our objective it will be through no fault on your part. Nor will it be due to any lack of resolve on the part of my Commission. But, in the final analysis, it is not your election nor that of my Commission. It is for the people of South Africa - and more especially for their leaders - to determine whether this great experiment succeeds or fails. Should they opt for success, my Commission and I will ensure that their will prevails. That is our resolve and our promise.

ANNEX III

Closing statement made by the President of the British Anti-apartheid Movement, co-chairman of the International Briefing on South Africa's First Democratic and Non-racial Elections

This International Briefing has proved to be a unique opportunity for the international anti-apartheid and non-governmental communities to be informed about the progress being made towards the holding of South Africa's first democratic and non-racial elections on 27 April 1994.

It had the benefit, above all, of the insights of Mr. Justice Kriegler, the Chairman of the Independent Electoral Commission (IEC), as well as contributions from representatives of the Transitional Executive Council (TEC) and its Subcouncil on the Status of Women, and of other South Africans actively engaged in the promotion and monitoring of the electoral process.

It was a great source of encouragement to learn from Judge Kriegler of the support of the overwhelming majority of South Africans for the electoral process and of the progress IEC has made. This is the body that was especially created to organize the elections in South Africa and is in turn a key element in the comprehensive framework of transitional structures that have been established, as a result of the process of multi-party negotiations, for the transformation of South Africa from an apartheid State to a united, non-racial and democratic society.

The elections on 27 April are of historic importance as they represent the culmination of the sacrifices and struggles of the people of South Africa to end the evil and immoral system of apartheid, as well as the efforts of the international community to this end. The responsibility for ensuring that these elections are genuinely "free and fair" is immense, not least because 18 million of the estimated 22 million electorate are first-time voters, of whom 57 per cent are functionally illiterate. Moreover, in the words of Justice Kriegler:

> "We live and work in a gravely blemished society. Quite apart from the scars of the apartheid era, there are the scourges of ignorance, poverty, suspicion, fear and deep-rooted animosities."

However he also stressed:

> "The elections are not intended as a panacea. That would be dishonest. The promised land lies far in the future ... If the elections are a substantial success, which I have no doubt they will be, we will have proved to ourselves that we, as a nation united, notwithstanding our political differences, can work together."

As participants in the International Briefing we were deeply conscious of the threat posed to the electoral process by those who fear democracy and seek

the preservation of the powers and privileges of the apartheid era, including Bantustan structures.

The recent initiative of the Multi-party Negotiating Process to amend the agreements reached in order to accommodate further the concerns of those who are currently refusing to participate in the electoral process underlines the determination of those committed to this process to do everything possible to achieve national reconciliation.

There was complete agreement with the appeal of the United Nations Security Council in its resolution 894 (1994) adopted on 14 January 1994 to all parties in South Africa, including those which did not participate fully in the multi-party talks, to respect agreements reached during the negotiations, to adhere to democratic principles, and to take part in the elections, as well as the declaration by the Security Council in the same resolution that it expects that anyone who seeks to disrupt the elections will be held accountable for such actions.

In her opening address, Ambassador des Îles, the co-chairman of the International Briefing and Acting Chairman of the United Nations Special Committee against Apartheid, echoed these sentiments when she stated that:

> "It must be quite clear that those who may consider attempting to reverse, through violence and intimidation, the historical change towards freedom and democracy through the electoral process, must know that they cannot hope to have the understanding and support of the international community whoever they may be."

It was also stressed by participants at the International Briefing that the international community had a duty to respond effectively should there be a determined effort to disrupt the electoral process.

Special presentations to the International Briefing on the electoral process covered, inter alia, the role of voter education and monitoring, including the contribution of international observers from the United Nations and other governmental structures as well as international non-governmental organizations. These helped to clarify the contribution the international community was making to the elections and how this could be strengthened.

Of special value was the focus on a number of key subjects of concern in the form of comprehensive presentations on the following:

(a) Conditions for free participation in the electoral process (covering areas with a history of violence and other areas, both urban and rural);

(b) The policing of the electoral process;

(c) The role of the media;

(d) Women and the electoral process.

These presentations, both written and verbal, provided an invaluable insight into the actual situation on the ground in South Africa and alerted participants to the many obstacles in the way of genuinely "free and fair" elections that still needed to be overcome.

Deep appreciation was expressed for the efforts of the Special Committee against Apartheid to promote international support for and solidarity with the process of democratic transformation in South Africa and in particular for co-sponsoring the International Briefing. Similar appreciation was expressed to the Greek Presidency of the European Union and to Mr. Van den Brock, member of the European Commission, for agreeing that the International Briefing should take place under their patronage, as well as to the European Commission for its financial support and to the Group of the Party of European Socialists in the European Parliament for providing excellent conference facilities.

It was evident from all the presentations and debates that the international community still has a major contribution to make as we count down to democracy in South Africa. The participants recognized the need for maximum vigilance by the international community during the critical period ahead and pledged to do all in their power to ensure that the elections took place as scheduled, that they were genuinely "free and fair" and that the results were respected by all parties.

The very fact that the International Briefing had been convened in under four weeks and yet had attracted such a high level of participation from South Africa together with the presence of the delegation of the Special Committee against Apartheid; Mr. George Papandreou, on behalf of the Greek Presidency of the European Union; senior officials of the European Commission; prominent members of the European Parliament, including Mr. Jean-Pierre Cot, Chairman of the Group of the Party of European Socialists; and the Director of the Bureau of the Organization of African Unity at Brussels and other representatives of the diplomatic community, together with over 250 participants from Europe, Africa, Asia and America, underlined the importance the international community attaches to South Africa's first democratic and non-racial elections.

The message of this International Briefing to all South Africans is unequivocal. The international community understands fully the historical significance of these elections. It is determined that these elections take place and are genuinely democratic. It also appreciates that these elections must open the way to a new chapter in the history of South Africa and the region of southern Africa as a whole. This must be the era when the Governments and peoples of the region can embark on programmes of reconstruction and development to overcome the legacies of apartheid and the destructive consequences of its policies throughout southern Africa and so that peace and justice can flourish.